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92

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,224	07/27/2001	Wing Foon Lee	509702000100	6824
25227	7590	10/31/2003	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			CUNNINGHAM, TERRY D	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/916,224

Applicant(s)

LEE ET AL.

Examiner

Terry D. Cunningham

Art Unit

2816

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-9, 12-23 and 26-28.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Terry D. Cunningham
Primary Examiner
Art Unit: 2816

Art Unit: 2816

ATTACHMENT TO ADVISORY ACTION***Continuation of No. 2***

The proposed changes to claims 1 and 15 provide a change in claim scope requiring further search and/or consideration. Additionally, Applicants has expressly stated that they are relying on Fig. 7d, which is an embodiment which has been withdrawn from consideration without traverse. If the proposed changes were entered, this would require claims 1 and 15 to be withdrawn as non-elected. And if claims 4, 5, 12-14, 18-23 and 26-28 are intended to read on Fig. 7d, then they should also be withdrawn from consideration as non-elected without traversed. Examiner notes that since prosecution is closed, due to the Finality of Rejection, claims 4, 5, 12-14, 18-23 and 26-28 will remained rejected as misdescriptive.

Continuation of No. 5

Examiner has fully considered Applicant's remarks for the outstanding art rejection and has not found them to be persuasive. Applicant states that "Although the term 'high impedance' may be a relative term, in this case, it is relative to the circuit being claimed". However, this statement is not clearly understood. Firstly, it is not seen that this discussion is relevant to the independent claims since such do not state anything regarding "high impedance". Secondly, it is not seen how this discussion can be persuasive since the claims do no recite any specific type of circuit. All that claims 1 and 4, for example, recite is a "circuit including an integrated circuit". This gives no indication of the type of "circuit being claimed". And thirdly, claim language is always to be given the broadest reasonable interpretation. Therefore, it would be reasonable to interpret the corresponding elements of Hirano et al. as "high impedance".

Examiner also points out that in the second paragraph of page 9 of the response, Applicant discusses terminology (such as "injection nulling switch" and "MOS transistors") but

Art Unit: 2816

does not point to any specific examples of such in the claims. Thus, it is not seen how this can be seen to be persuasive.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 703-308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0956.

TC
October 30, 2003


Terry D. Cunningham
Primary Examiner
Art Unit 2816